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| APPLICATION NO.    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------|-------------|----------------------|---------------------|------------------|
| 09/845,814         | 04/30/2001  | Laurent Bensemana    | 6670/1J190US1       | 2311             |
| 7590               | 11/08/2005  |                      | EXAMINER            |                  |
| S Peter Ludwig     |             |                      | HAVAN, THU THAO     |                  |
| 805 Third Avenue   |             |                      |                     |                  |
| New York, NY 10022 |             |                      | ART UNIT            | PAPER NUMBER     |
|                    |             |                      | 3624                |                  |

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/845,814             | BENSEMANA, LAURENT  |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Thu Thao Havan         | 3624                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 April 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/19/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

**Detailed Action**

***Drawings***

The Examiner accepts the drawings filed on April 30, 2001.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Dockter et al. (US 5,854,923).

Re claim 1, Dockter teaches a system for anonymously matching consumption objects with a consumer consumption behavior, said consumer being uniquely identified by a true behavior derived consumption profile (figs. 1-3), said system comprising:

a central and private consumer repository containing a plurality of true consumption profiles corresponding to a plurality of consumers, each of said true consumption profiles being anonymous (col. 2, line 50 to col. 3, line 15);

a central product repository, containing consumption object profiles for a plurality of consumption objects (col. 3, lines 26-38);

correlating means for correlating parameters of a potential target consumption object with parameters of a given consumer's true consumption profile, and identifying at least one best matched consumption object (col. 3, lines 7-24); and

means for confidentially presenting said consumer with the profile of said at least one best-matched consumption object (col. 5, lines 4-16; col. 6, lines 22-28). *In other words, Dockter matching consumer objects (i.e. search object such as rock climbing) to any user (i.e. anonymous user). His system consists of automatic construction techniques to monitor the user's behavior to determine the user's preferences. These preferences are ranked according to available information objects.*

Re claim 2, Dockter teaches correlating means are triggered automatically (col. 5, lines 17-22). *Dockter discloses automatic construction techniques in this system.*

Re claim 3, Dockter teaches correlating means are triggered by the user (col. 3, lines 1-25). *The user triggered the information by searching for a specific word.*

Re claims 4 and 8, Dockter teaches a consumer reaction log for logging a consumer's reaction to a correlation between said consumer's true consumption profile and a consumption object (figs. 1-3). *In figures 1-3, Dockter discloses user's preference that corresponds to the claimed limitation of a consumer's reaction log.*

Re claims 5 and 9, Dockter teaches consumer's true consumption profiles in the central consumer repository are made available to industry entities for performing market research (col. 7, lines 1-31). *Dockter discloses market research when he lists relevant and not so relevant information. For example, one type of market research is when he discloses computer science material is more interesting than the automotive material.*

Re claim 6, Dockter teaches a method as claimed in claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein. Furthermore, Dockter teaches presenting the consumer with a list of best to worst matches (col. 4, lines 9-11; col. 5, lines 4-7). *Dockter discloses most relevant (i.e. best matches) to least relevant (i.e. worst matches).*

Re claim 7, Dockter teaches a weighted correlation (col. 3, lines 60-67; fig. 2).  
*Dockter discloses an order ranked list that correlate to a weighted correlation.*

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maggioncalda et al, US patent no. 5,918,217

Williams et al., US patent no. 5,945,988

Lawler, US 5,758,259

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
10/30/2005



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SUPERVISORY PATENT EXAMINER  
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